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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

KEVIN WASHINGTON,

Plaintiff,

v.

MATTHEW BRENT GOETTSCHKE,

Defendant.

**Cause No. CV-20-2-BU-BMM-KLD**

**DEFENDANT'S  
UNOPPOSED MOTION TO SEAL**

Defendant Matthew Brent Goettsche (“Goettsche”), through his undersigned counsel, respectfully moves this Court to seal Defendant’s Response to Plaintiff’s Motion for Receiver, exhibit A to Defendant’s Response: the Redline of Plaintiff’s Proposed Order for Receiver, exhibit B to Defendant’s Response: a clean copy of Defendant’s Proposed Order for Receiver, exhibit C to Defendant’s Response: the Original CWIP Operating Agreement, and exhibit D to Defendant’s Response: the

First Amendment to the CWIP Operating Agreement, pursuant to Federal Rule of Civil Procedure 5.2, the District of Montana Local Rules of Procedure 5.2(b), and in accordance with the CryptoWatt Operating Agreement, because the Proposed Order contains confidential, non-public business information.

Counsel for the Plaintiff, Kris M. McLean, has been contacted and states he has **no objection** to this motion to seal.

As explained more fully in Goettsche's motion to compel arbitration, on or about October 1, 2018, Goettsche, the Plaintiff, and two others executed CryptoWatt's Operating Agreement, and the Plaintiff incorporated the Operating Agreement into his Montana state court complaint. Section 9.01 of the Operating Agreement, titled "Confidentiality" says, in relevant part:

Each Member shall maintain the confidentiality of information that is, to the knowledge of such Member, non-public information regarding (i) the Company, or (ii) the business of the Company or its Affiliates, unless consented to in writing by the Managing Member, and except as may be required by Applicable Law.

CryptoWatt maintains the security and confidentiality of its business information, which could be used by its competitors to harm CryptoWatt's business. Pursuant to the Operating Agreement provision cited above, as members of CryptoWatt, both Washington and Goettsche have the responsibility to keep CryptoWatt's business information confidential.

The Proposed Order of Appointment of Receiver contains a description of

highly sensitive business information that is not public and should not be public. The included information is exactly the type of information that Section 9.01 of the Operating Agreement was designed to protect. If members of the public gained access to CryptoWatt's sensitive information, it would have the potential to interfere with ongoing litigation, CryptoWatt's business operations, and the effectiveness of CryptoWatt's information security measures. Accordingly, the Proposed Order of Appointment of Receiver should be sealed.

Pursuant to Local Rule 5.2(a), the undersigned hereby certifies that sealing is appropriate to the best of his knowledge, information, and belief, formed after an inquiry reasonable under the circumstances and with due regard to the public's right of access.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of January, 2020.

SMITH & STEPHENS, P.C.

by: /s/John E. Smith  
**John E. Smith**  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of January 2020, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM-ECF  
       Hand Delivery  
       Mail  
       Overnight Delivery Service  
       Fax  
       E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. Kris McLean, Counsel for Plaintiff Washington

By: /s/ John E. Smith  
John E. Smith  
SMITH & STEPHENS, P.C.  
Attorney for Defendant